

0001

only mine files

copy LRB, D. Reddick, H. Smidbeck

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement TEN-DAY NOTICE Number: X-90-2-116-1 TV 1	Original Office: <u>USDI/OSMRE</u> <u>Albuquerque Field Office</u>
	<u>625 Silver Ave., SW, Suite 310</u>
	<u>Albuquerque, NM 87102</u>
	Telephone Number <u>(505) 766-1486</u>

Ten-Day Notice to the State of UTAH

You are notified that, as a result of a joint, oversight inspection (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: <u>Soldier Creek Coal Co.</u> <small>(Or Operator if No Permit)</small>	County: <u>CARBON</u>	<input type="checkbox"/> Surface
Mailing Address: <u>P.O. Box I</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT-007-018</u>	Mine Name: <u>Soldier Canyon</u>	<input type="checkbox"/> Other _____

NATURE OF VIOLATION AND LOCATION: Failure to record accurate blasting logs for each surface blast. Direction and distance to the nearest dwelling was not completed on daily blasting records for any blasting records reviewed, and

Section of State Law, Regulation or Permit UCA 40-10-9,
 Condition believed to have been violated: 4MC 817.68(d)(b)

NATURE OF VIOLATION AND LOCATION: location of each blast was not accurately documented on any blasting records reviewed.

Section of State Law, Regulation or Permit
 Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit
 Condition believed to have been violated:

Remarks or Recommendations: _____

Date of Notice: <u>5-24-90</u>	Signature of Authorized Rep.: <u>Henry P. Austin</u> Print Name and ID: <u>HENRY P. Austin, # 116</u>
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Certified Receipt No: P 965 798 843

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Soldier Creek Coal Co. 5. Days since last State Complete Inspection (LSCI) 7
 2. Permit Number ACT 007 018 6. Block 25 Categories in NON-COMPLIANCE this RSI 1
 3. Joint Inspection 1 Y 1 Y/N 4. Date 5-15-92 7. Total Violations this RSI 1

8. List (only once) all violations:

- 1) where State enforcement was required and taken during the LSCI;
 2) recorded in the LSCI report but the State failed to take enforcement;
 3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and;
 4) existing during this RSI which are not already listed under one of the categories above.

1. /	2. /	3. /	4. /	5. /	6. /	7. /	8. /	9. /	10. /	SPECIFIC STATE LAW / REGULATION VIOLATED		BLOCK 25 CATEGORY	ABATED (Y/N)	STATE ACTION	REASON IF UNCITED	CAUSE	SERIOUSNESS PEO	IMPACT	OSMRE ACTION	OPTIONAL	
										A	B										
1.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description: <u>Failure to complete accurate daily blasting logs (location / distance direction)</u>																					
2.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
3.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
4.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
5.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
6.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
7.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
8.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
9.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					
10.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Description:																					

STATE ACTION

- 1) Existed as LSCI, cited
 2) Existed as LSCI, not cited
 3) Cited Prior to LSCI.
 Abatement Pending
 4) Occurred since LSCI

STATE'S RESPONSE FOR NOT CITING VIOLATION
(AFTER DISCUSSION WITH THE STATE)

- 1) Not a Violation
 2) Precluded by State Policy
 3) Not included under State Program
 4) Warning given in lieu of a Citation
 5) Violation not recognized (caused)
 6) Practices allowed under approved Permit
 7) Too minor to cite
 8) Working with Operator to Correct
 9) Other: _____

CAUSES

- 1) Permit Defect
 2) Unusual Weather Conditions
 3) Unofficial Worker
 4) Operator Negligence
 5) Other: _____

PROBABILITY OF EVENT OCCURRENCE

- 1) More or Unlikely
 2) Likely
 3) Occurred

IMPACT

- Block Reopens Within the Permit Area
 1) More or Minor
 2) Moderate
 3) Considerable
 4) More or Minor
 5) Moderate
 6) Considerable
 7) More or Minor
 8) Moderate
 9) Considerable

OSMRE ACTION

- 1) Referred to State Action
 2) TBM issued
 3) In-CD issued
 4) Previously Cited.
 Abatement Pending
 5) Audited during or before OSMRE Inspection

**United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report**

26. State Permit Number

HCT-007-018

27. Date of Inspection
(Y Y M M D D)

900815

28. Yes ☐ No ☐ Do mining and reclamation activities on the site comply with the plans in the permit?
☐ If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a. ☐ Number of Completes29b. ☐ Number of Partials

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a. ☐ Number of Completes30b. ☐ Number of Partials

31. Has inspection frequency been met?

Yes No

31a. ☒ Completes

Yes No

31b. ☐ Partials

32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate box(es)]

Ten-Day Notice No.

Notice of Violation No.

Cessation Order No.

Violation Codes

☐☐☐A ☐B ☐C ☐D ☐E ☐F ☐G ☐H ☐I ☐J ☐K ☐L ☐M ☐N ☒O ☐P ☐Q ☐R ☐S ☐T ☐U ☐

Authorizations to Operate

Signs and Markers

Backfilling and Grading

Highwall Elimination

Rills and Gullies

Improper Fills

Topsoil Handling

Sediment Ponds

Effluent Limits

Water Monitoring

Buffer Zones

Roads

Dams

Blasting

Revegetation

Spoil on the Downslope

Mining Without Permit

Exceeding Permit Limits

Distance Prohibitions

Toxic Materials

Other Violations

33. Name of Authorized Representative (print or type)

Signature of Authorized Representative

Date

Signature of Reviewing Official

Date

18 0
09 0
07 0
02 5

Accompanied Harold Sandbeck, Utah Division of Oil, Gas and Mining, (DOGM), and Dave Spillman, Barry Prettyman of Soldier Creek Coal Co., (SCCC), on a complete, statistical sample oversight inspection of the Soldier Canyon Mine on 5/15/90.

The inspection began with a permitting and records review in the DOGM Salt Lake City office on 5/14/90. The review was accomplished with assistance from Darron Haddock, Permit Supervisor, and included the following: approved permitting actions; DOGM inspection correspondence, and water monitoring files. The 1989 Annual Report was also reviewed.

We began the on-site inspection with a review of SCCC records which included: quarterly water monitoring and NPDES reports; sediment pond inspection reports; blasting logs; liability insurance documents; bonding documents; and sediment pond certification. We discussed the current processing of the proposed NPDES permit renewal; compliance with DOGM blasting regulations; abatement of DOGM Notice of Violation 89-28-11-1; alternate sediment control practices minewide and small area exemption criteria; and proposed permitting of the waste rock disposal facility. Problems encountered during the records review included: incomplete daily blasting logs (inadequate information for location of blast and also direction and distance, in feet, to the nearest dwelling, school, church, or commercial or institutional building in accordance with UMC 817.68); proof of blaster certification could not be provided by the operators and subsequent to the inspection both Mr. Sandbeck and myself confirmed through the Utah Industrial Commission that Gary Fluharty (contract blaster with Cowin and Co.) was not certified. Mr. Sandbeck indicated via

telephone on 5/22/90 that DOGM was issuing Notice of Violation 90-26-6-1 for this violation. DSM/Albuquerque Field Office is issuing TDN 90-2-116-1 for failure to record an accurate blasting record for each surface blast in accordance with UMC 817.68.

NPDES records review indicated that the permittee has a history of exceeding the 1 ton/day permit limitation for TDS. Several 5-day notifications to EPA were reviewed which documented sample analysis. One notification was sent seven days after receipt of sample analysis, and Mr. Spillman indicated this could have occurred due to office invoice processing prior to his receipt of the analysis. According to Mr. Spillman, the draft NPDES permit renewal proposes to raise the TDS limit to 3 tons/day and the permittee will petition EPA again to raise the limit to 5 tons/day. Mine water discharge, MW-1, is still the only approved discharge point being utilized. Two additional points have been approved for future use if necessary. MW-1 was discharging during the inspection. DOGM inspection reports document seasonal occurrences of a dark algal bloom associated with the discharge into Soldier Creek which was evident during the inspection and has reoccurred during the last month according to Mr. Spillman. I took grab sample 90-116-1 and delivered it to an approved testing laboratory in Price, UT, on 5/15/90, 4:00 p.m. with appropriate chain of custody. Mr. Sandbeck also took a sample for DOGM analysis. I recommended that the Utah Division of Wildlife Resources be contacted concerning evaluation of the algal bloom occurrence and it's possible impacts to Soldier Creek.

We began our field inspection at the southern end of the disturbed area and walked to the ventilation fan/MW-1 discharge area. We

photographed areas of interest and further discussed/observed various alternate sediment control practices and measures taken to abate DOGM NOV 89-28-11-1. The issuance/termination of this notice and the processing/approval of both small area exemptions and alternate sediment control practices employed at the mine will be subject to further programmatic review by OSM/AFO. Ground conditions at the mine were dry during the inspection. It appeared that the various alternate sediment controls in place (straw bales, erosion control matting, the open trench surrounding the Soldier Creek culvert, gravel pads) have been effective in controlling runoff from disturbed areas. The permittees most recent proposal to DOGM concerning alternate practices was submitted 5/14/90 and was provided to us during the inspection. This submittal will also be subject to further programmatic review by OSM/AFO.

The sediment level in the sediment pond was last surveyed during the 3/23/89 pond inspection and was indicated at 2.7 feet below sediment removal level. The pond was dry and there appears to be adequate sediment storage capacity.

We drove to the sewage lagoon and inspected this area with no problems noted. This area has been proposed as an alternate sediment control area.

Construction activity associated with the new facilities development is expected to be completed this construction season. The permittee is evaluating alternatives to the original coal storage silo design/location.

The permittee is required to submit new designs for the excess spoil/development rock storage area by 10/3/1991 at the latest.

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This concluded the inspection. Performance standards indicated as not applicable do not exist on site.